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July 24, 2017

Honorable Supervisor/Mayor Ronald Belmont  
and Members of the Town/Village Board  
Town/Village of Harrison  
One Heineman Place  
Harrison, New York 10528

Re: Agreement Regarding Temporary Waiver  
of Parking Improvements  
106 – 110 Corporate Park Drive, Harrison, New York

Dear Supervisor/Mayor Belmont & Members of the Town/Village Board:

This firm represents 106/108/110 Corporate Park Drive Owner SPE LLC<sup>1</sup> (hereinafter referred to as "Petitioner" or "Normandy"), the owner of the property located at 106 – 110 Corporate Park Drive (the "Property"). Petitioner is a real estate company and land developer that owns a significant amount of property in the "Platinum Mile" area along the I-287 corridor in both the Town/Village of Harrison ("Harrison") and the City of White Plains. As you know, Normandy is partnering with Wegmans Food Markets, Inc. ("Wegmans"), a high end, family-owned grocery store, headquartered in Rochester, New York for the redevelopment of this Property.

We are writing regarding the Agreement Regarding Temporary Waiver of Parking Improvements, dated August 3, 1994 (the "Agreement"), which is recorded against the Property. A copy of the Agreement is attached for your convenience. The Agreement allowed the Day Care Center at the rear of the Property (which is to remain for up to an additional seven (7) years) to be constructed at the time with a waiver of 137 parking spaces for the overall property, based upon the applicable parking requirements for 250,000 square feet of office space plus the Day Care Center. However, it should be noted that the Day Care Center required and provided 42 spaces at the time (the current survey shows 44 spaces for the Day Care Center), which are

<sup>1</sup> 106/108/110 Corporate Park Drive Owner SPE LLC is an affiliate of Normandy Real Estate Partners, LLC.

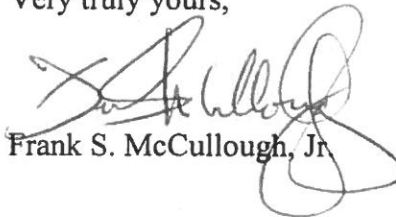
not proposed to be impacted as part of the development of the Wegmans. Moreover, the parking requirement for the Wegmans (approximately 133,000 square feet of retail space) is much lower than for 250,000 square feet of office space, and will be exceeded by over 70 spaces in the proposed plan.

The Agreement provides that the Town may require the construction of the "Replacement Parking", consisting of some or all of the 137 waived spaces if the Town determines such additional parking to be required. However, it is clear that the Agreement is no longer applicable in light of the proposed redevelopment of the site for a Wegmans, and therefore the Agreement should be terminated. Section 3 of the Agreement provides that it is no longer in effect upon the earlier of the termination of the Day Care Center use, the construction of the Replacement Parking, or "the date upon which the Town determines, in the exercise of its administrative discretion, that this covenant to construct some or all of the Replacement Parking is no longer necessary for preservation of the "SBO Day Care Center" use and/or any other uses at the Premises."

Therefore, we respectfully request, pursuant to Section 3(c) of the Agreement, that the Town Board allow the Agreement to be terminated and notice of such termination recorded against the Property. Town Planner Pat Cleary and the Planning Board have been made aware of this issue and our intention to request that the Town Board authorize the termination of the Agreement.

As you know, the Board has scheduled a public hearing regarding the final Special Exception Use Permit application for the August 17, 2017 meeting. We also request that the Board consider the termination of the Agreement at the August 17<sup>th</sup> meeting as well. Thank you for your consideration.

Very truly yours,



Frank S. McCullough, Jr.

FSM:mmm

Enc.

cc: Patrick Cleary, AICP, PP  
106/108/110 Corporate Park Drive Owner SPE LLC  
Wegmans Food Markets, Inc.  
Kimley-Horn  
VHB Engineering, Surveying & Landscape Architecture, P.C.